

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HILLS AND HOLLERS, LLC,

Plaintiff,

v.

OHIO GATHERING COMPANY, LLC,

Defendant.

Case No. 2:16-cv-747

**CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

OPINION AND ORDER

Plaintiff Hills and Hollers, LLC brings this case under 28 U.S.C. § 1332(a), which provides for a district court's subject matter jurisdiction over civil actions where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. (Compl. ¶ 3 [ECF No. 1].) In its Complaint, Plaintiff alleges that it is a citizen of Ohio and that Defendant Ohio Gathering Company, LLC is not. (*See id.* ¶¶ 1–2.)

Defendant has moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss this case for lack of subject matter jurisdiction. Defendant asserts that it is a citizen of Ohio, among other states, because at least one of its members is a citizen of Ohio. (Mot. to Dismiss at 2 [ECF No. 10]; Sean McKendry Decl. at 1–2 [ECF No. 10-1].) After reviewing Defendant's Motion to Dismiss and conducting informal discovery, Plaintiff has indicated that it agrees with Defendant's assessment: Defendant is a citizen of Ohio, and complete diversity of citizenship—as required under § 1332(a)—does not exist in this case. (Resp. at 1 [ECF No. 18].) Plaintiff requests that the case be dismissed without prejudice to it being filed in an appropriate state court venue. (*Id.*)

After reviewing the parties' filings, and in light of Plaintiff's concession that subject matter jurisdiction is lacking here, the Court **GRANTS** Defendant's Motion to Dismiss [ECF No. 10] and **DISMISSES** this case without prejudice to it being filed in an appropriate venue.

IT IS SO ORDERED.

1-30-2017
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE